

CAROL J. BERNICK, OSB #89409
carolbernick@dwt.com
CAROL A. NOONAN, OSB #02407
carolnoonan@dwt.com
DAVIS WRIGHT TREMAINE LLP
1300 S.W. Fifth Avenue, Suite 2300
Portland, Oregon 97201
Telephone: (503) 241-2300
Facsimile: (503) 778-5299

Of Attorneys for Applied Materials, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

RICHARD KUYAT, an individual

PLAINTIFF,

v.

APPLIED MATERIALS, INC., a Delaware Corporation

DEFENDANT.

Case No. CV-03-1366-MO

**AFFIDAVIT OF CAROL A. NOONAN
IN SUPPORT OF DEFENDANT'S
COST BILL**

STATE OF OREGON)
) ss.
County of Multnomah)

I, Carol A. Noonan, being duly sworn do depose and say:

1. I am one of the attorneys representing defendant Applied Materials, Inc. ("Applied Materials") in this matter. I make this Affidavit in support of Defendant's Cost Bill.

2. The following billable costs have been incurred as fees of the Court Clerk:

10/3/03 District Court Filing Fee \$ 150.00

3. The following billable costs have been incurred for court reporting and/or transcription fees for plaintiff's deposition in this case:

5/6/04 Deposition of Richard Kuyat \$ 852.00

Page 1 - AFFIDAVIT OF CAROL A. NOONAN IN SUPPORT OF DEFENDANT'S COSTS BILL

Attached as Exhibit A is the invoice for transcription fees for this deposition.

4. In addition to the transcription fees for plaintiff's deposition, Applied Materials seeks recovery of the cost of deposition transcripts for Applied Materials' personnel deposed by plaintiff:


5/28/04	Depositions of Terri Driggars and Craig Hutchens	\$ 330.00
6/2/04	Deposition of Kelly Junk	\$ 121.00
Total:		\$ 451.00

These deposition transcripts were necessary to Applied Materials' motion for summary judgment and were cited by Applied Materials in support of that motion. The depositions were also cited by plaintiff in opposition to Applied Materials' motion. Accordingly, these costs should be recoverable. Attached as Exhibit B is the invoice for transcription fees for these depositions.

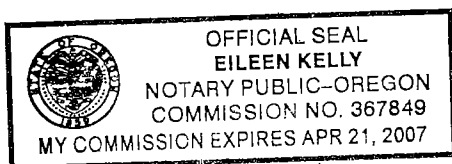
5. Applied Materials requests \$256.80 as payment for the 1605 pages of documents produced to opposing counsel (at a cost of 16¢ per page).

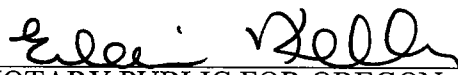
6. Applied Materials also is entitled to docket fees of \$35.00 pursuant to 28 U.S.C. § 1923 for the final hearing, motion for judgment, and depositions admitted into evidence.

7. Pursuant to 28 U.S.C. § 1924, I verify that the above information is true and correct and that the costs were actually and necessarily incurred in this case.


 Carol A. Noonan

SUBSCRIBED AND SWORN to before me this 2nd day of September 2004.




 NOTARY PUBLIC FOR OREGON
 My Commission Expires: 04/21/07

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INVOICE

INVOICE NO.	DATE	JOB NUMBER
117086	05/06/2004	01-34640
JOB DATE	REPORTER(S)	CASE NUMBER
04/30/2004	STEIKA	03CV1366MO
CASE CAPTION		
Kuyat vs. Applied Materials		
TERMS		
Net 30		

ORIGINAL TRANSCRIPT / WORDLIST
 Richard Kuyat
 REPORTER ATTENDANCE
 ASCII DISKETTE(S)
 PHOTOCOPIES / TABS
 DELIVERY

171 Pages	598.50
4.50 Hours	225.00
	15.00
14.00 Pages	3.50
	10.00

TOTAL DUE >>>> 852.00

AFTER 06/05/2004 PAY 864.78

MiniTran - NO CHARGE
 Thank You!!

EXHIBIT A
 PAGE 1

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INVOICE

INVOICE NO.	DATE	JOB NUMBER
117410	05/28/2004	01-34674
JOB DATE	REPORTER(S)	CASE NUMBER
05/05/2004	STEIKA	03CV1366MO
CASE CAPTION		
Kuyat vs. Applied Materials		
TERMS		
Net 30		

COPY OF TRANSCRIPT / WORDLIST Terri Driggars	92 Pages	161.00
COPY OF TRANSCRIPT / WORDLIST Craig Hutchens	67 Pages	117.25
ASCII DISKETTE(S)	2.00	30.00
PHOTOCOPIES / TABS	47.00 Pages	11.75
DELIVERY		10.00
TOTAL DUE >>>>		330.00
AFTER 06/27/2004 PAY		334.95

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TAX ID NO.: 93-0522014

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Carol J. Bernick
 Davis Wright Tremaine LLP
 1300 SW Fifth Avenue
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Invoice No.: 117410
 Date : 05/28/2004
TOTAL DUE : 330.00
AFTER 6/27/2004 PAY : 334.95

Job No. : 01-34674
 Case No. : 03CV1366MO
 Kuyat vs. Applied Materials

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EXHIBIT **B**
 PAGE **1**

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INVOICE

INVOICE NO.	DATE	JOB NUMBER
117511	06/04/2004	01-34954
JOB DATE	REPORTER(S)	CASE NUMBER
06/02/2004	FRAZPA	CV031366MO
CASE CAPTION		
Kuyat vs. Applied Materials		
TERMS		
Net 30		

COPY OF TRANSCRIPT / WORDLIST

Kelly Junk	54 Pages	94.50
ASCII DISKETTE(S)		15.00
PHOTOCOPIES / TABS	6.00 Pages	1.50
DELIVERY		10.00
TOTAL DUE >>>>		121.00
AFTER 07/04/2004 PAY		122.82

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 Davis Wright Tremaine LLP
 1300 SW Fifth Avenue
 Suite 2300
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Invoice No.: 117511
 Date : 06/04/2004
TOTAL DUE : 121.00
AFTER 7/4/2004 PAY : 122.82

Job No. : 01-34954
 Case No. : CV031366MO
 Kuyat vs. Applied Materials

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EXHIBIT B
 PAGE 2

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **AFFIDAVIT OF CAROL a. NOONAN IN SUPPORT OF DEFENDANT'S COSTS BILL** document on:

Gerald Brask
Attorney at Law
4475 SW 185th Avenue
Aloha, OR 97007

Attorney for Plaintiff

- ☒ by causing a copy to be electronically mailed to said attorneys at their last-known e-mail address by way of the US District Court's ECF system on the date set forth below.
- ☐ by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said attorneys' last-known address and deposited in the U.S. mail at Portland, Oregon on the date set forth below;
- ☐ by causing a copy thereof to be hand-delivered to said attorneys' address as shown above on the date set forth below;
- ☐ by personally handing a copy thereof to said attorneys on the date set forth below;
- ☐ by faxing a copy thereof to said attorneys at their last-known facsimile number on the date set forth below.

Dated this 2nd day of September, 2004.

DAVIS WRIGHT TREMAINE LLP

By: Carol Bernick
CAROL J. BERNICK, OSB #89409
CAROL A. NOONAN, OSB #02407
Of Attorneys for Defendant